

EXHIBIT 1

ENDORSED

JUN - 9 2006

By C. Lewis, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

CALIFORNIA EARTH CORPS, a Not-For  
Profit Corporation

Petitioner,

vs.

STATE LANDS COMMISSION and CITY  
OF LONG BEACH, and DOES 1 through 50,  
inclusive,

Respondents,

Developers Diversified Realty; DOES 51  
through 99, inclusive,

Real Parties in Interest

Case No. 01CS01556

~~[Second Amended Proposed]~~ JUDGMENT  
GRANTING WRIT OF MANDATE

Department: 11

[Second Amended Proposed] JUDGMENT

1 This matter came on for hearing in the Court of Appeal of the Third Appellate District,  
2 on February 18, 2005. Jan Chatten-Brown and Douglas P. Carstens appeared for Plaintiff and  
3 Appellant California Earth Corps. Alan V. Hager appeared for Defendant and Respondent  
4 California State Lands Commission. Robert S. Bower appeared for Defendant and Respondent  
5 City of Long Beach. Richard Dongell and John A. Lawrence appeared for Real Party in Interest  
6 and Respondent.

7 On April 21, 2005, the Court of Appeal issued its opinion, reversing the Superior Court's  
8 judgment denying the Petition for Writ of Mandate. The Supreme Court granted review on  
9 August 24, 2005, then dismissed review on January 4, 2006. The Court of Appeal issued a  
10 remittitur on January 17, 2006.

11 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

- 12 1. A peremptory writ of mandate shall issue ordering the State Lands Commission to  
13 vacate and set aside the exchange approved by the Commission on September 17,  
14 2001 and its termination of the public trust of the parcels that are part of the  
15 Exchange Agreement;
- 16 2. Petitioners, as prevailing parties, are entitled to costs in the amount of \_[to be  
17 determined]\_\_\_\_\_ pursuant to Code of Civil Procedure Section 1033.5;
- 18 3. The Court retains jurisdiction over Petitioners' claim for an award of attorneys'  
19 fees and further costs pursuant to Code of Civil Procedure section 1021.5.
- 20 4. Nothing herein shall otherwise limit or control the discretion legally vested in  
21 Respondent.
- 22 5. A return shall be filed within 120 days of entry of judgment.

23 IT IS ORDERED THAT JUDGMENT BE ENTERED.

24 Dated: JUN - 9 2006

GAIL D. OHANESIAN

Judge of the Superior Court

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26 FACEBC-SLC\pleadings\Finals\Proposed Judgment DRAFT.doc

**DECLARATION OF SERVICE VIA U.S. MAIL**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and am not a party to the within action; My business address is 3250 Ocean Park Boulevard, Suite 300, Santa Monica, California 90405-3219.

On June 20, 2006, I served the foregoing document(s) described as:

**NOTICE OF ENTRY OF JUDGMENT GRANTING WRIT OF MANDATE**  
to the interested parties in this action, listed as follows:

*For Respondent, City of Long Beach:*

Robert E. Shannon, City Attorney  
James McCabe, Dep. City Attorney  
City of Long Beach  
333 W. Ocean Boulevard, 11<sup>th</sup> Floor  
Long Beach, CA 90802

*For Developers Diversified:*

Richard Dongell  
Christopher T. Johnson  
Dongell Lawrence Finney Claypool  
707 Wilshire Boulevard, 45th Floor  
Los Angeles, CA 90017-3609

*For Respondent, City of Long Beach:*

Robert Bower  
Rutan & Tucker  
611 Anton Boulevard, 14<sup>th</sup> Floor  
Costa Mesa, CA 92626-1998

*For the State Lands Commission:*

Alan Hager  
Office of the AG, Lands Section  
300 S. Spring Street, Suite 500  
Los Angeles, CA 90013-0550

*For the State Lands Commission:*

Lisa Trankley  
Department of Justice  
Office of the Attorney General  
P.O. Box 944255  
Sacramento, CA 94244-2550

*or Amici League for Coastal Protection, Save Our NTC, Inc., NRDC, and Surfrider Foundation:*

Laurens H. Silver  
CA Environmental Law Project  
P.O. Box 667  
Mill Valley, CA 94942

**[ X ] BY U.S. MAIL**

I am "readily familiar" with firm's practice of collection and processing correspondence for U.S. Mail. It is deposited with the U.S. Mail on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2006, at Santa Monica, California.

  
JESSICA I. BOHORQUEZ

PROOF OF SERVICE

ORIGINAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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CALIFORNIA EARTH CORPS, a Not-For  
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Real Parties in Interest

Case No. 01CS01556

~~[Second Amended Proposed]~~ WRIT OF  
MANDATE

Department: 11

1 **TO RESPONDENT STATE LANDS COMMISSION:**

2 Judgment having been entered in this action ordering that a Peremptory Writ of  
3 Mandamus issue from this Court:

- 4
- 5 1. RESPONDENT STATE LANDS COMMISSION IS HEREBY COMMANDED  
6 within 120 days of receipt of this Writ to vacate and set aside the exchange  
7 approved by the Commission on September 17, 2001 and its termination of the  
8 public trust of the parcels that are part of the Exchange Agreement;  
9 2. Nothing herein shall otherwise limit or control the discretion legally vested in  
10 Respondent.

11

12 YOU ARE FURTHER COMMANDED to make and file a Return to this Court upon  
13 taking action, setting forth what you have done to comply with this Writ. A Return is to be filed  
14 within 120 days of entry of judgment.



JUN - 9 2006, Clerk

By: C. Lewis, Deputy Clerk

C. LEWIS

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